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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,322	09/27/1999	GUIDO M. SCHUSTER	99.593	1482

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EXAMINER

NGUYEN, BRIAN D

ART UNIT PAPER NUMBER

2661

DATE MAILED: 12/31/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/406,322

Applicant(s)

GUIDO M SCHUSTER

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the amendment filed 10/9/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 21.                      6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

1. Claims 7-10 and 15-22 are objected to because of the following informalities:

Claim 7, line 4, "an Internet service" seems to refer back to "an Internet service" in line

1. If this is true, it is suggested to change "an Internet service" to ---the Internet service---. Line 6, "PID" should be spelled out. Line 14, "the PID data packets" seems to refer back to "PID data packets are present in the received data packets". If this is true, it is suggested to change "the PID data packets" to ---the received PID data packets--- and "received PID data packets" in line 16 to ---the received PID data packets---.

Claim 15, line 10, "the data packets" seems to refer back to "packets" in line 14. If this is true, it is suggested to change "the data packets" to ---the packets---.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daswani et al (6,477,565).

Regarding claims 1, Daswani discloses a system for accessing Internet services on a data network telephony system comprising: a data network to provide data connectivity for a plurality of data communications channels using data transport protocols; at least one Internet service

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connected to the data network (see figure 1); a data network telephone (element 45 function as a data telephone when using Internet protocol telephony Protocol as described in col. 3, lines 56-59 and equipped with a phone set) connected to the data network, the data network telephone operable to communicate a voice signal as voice-over-data packets on a voice-over-data channel, the voice over data channel being one of the plurality of data communications channels on the data network, the data network telephone operable to convert voice-over-data packets communicated on the voice-over-data channel to voice signals (see col. 6, lines 28-38); and a portable information device (PDA 47) comprising a first graphical user interface and a first data network telephone interface, the first graphical user interface operable to accept and display information from the Internet service, the first data network telephone interface operable to communicate at least one request for Internet services to and from the data network telephones. The data network telephone being operable to receive the at least one request for Internet services from the portable information device and to communicate information from the at least one Internet service to the portable information device. Daswani does not explicitly disclose communicating information from the at least one Internet service to the portable information device while concurrently communicating the voice signal on the voice-over-data channel. However, Daswani discloses in col. 6, lines 33-36 that the telephone line can be an ADSL. When DSL is used, the PC 45 will be able to communicating information from the at least one Internet service to the portable information device while concurrently communicating the voice signal on the voice-over-data channel. Therefore, it would have been obvious to a person skilled in the art to use the DSL in order to communicate information from the at least one Internet service to the

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portable information device while concurrently communicating the voice signal on the voice-over-data channel.

Regarding claims 2-3, Daswani discloses a wireless connection (see col. 6, line 36-38).

Regarding claims 4-5, Daswani does not explicitly disclose a hotlink or a SYNC button. However, a PDA with these features are well known in the art and the use of these features is a matter of choice. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the hotlink and SYNC button in order to meet specific needs.

Regarding claim 6, Daswani does not specifically disclose PPP, RTP, UDP, or SIP. However, these protocols are well known in the art and the selection of one protocol over the others is a matter of choice. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to select a one of the well-known protocol to meet specific needs because each protocol has an advantage and disadvantage.

Regarding claims 7-10, claims 7-10 are method claims that have substantially all the limitations of the method claims 1 and 2. Therefore, they are subject to the same rejection. Note that with a headphone connect to the PC 45, the user will be able to hear the voice signals.

Regarding claims 11-14, claims 11-14 are the portable information device that have substantially all the limitations of the respective method claims 1-3. Therefore, they are subject to the same rejection.

Regarding claims 15-23, claims 15-23 are the voice communication device that have substantially all the limitations of the respective method claims 1-3 and 6. Therefore, they are subject to the same rejection. Note that for routing a packet, a packet header which include a

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source address, a destination address, amongst the other field such as packet type/packet length, need to be examined in order to route the packet to its destination.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133.

The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Brian Nguyen  
12/25/03